UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL ACTION NO. 1:13-CV-320-GCM-DCK

CARLTON L. ELROD,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court upon Plaintiff's Motion for Summary Judgment (Doc. No. 9), Defendant's Motion for Summary Judgment (Doc. No. 12), and the Memorandum and Recommendation of Magistrate Judge David Keesler (Doc. No. 15). For the reasons set forth below, the Court ACCEPTS and ADOPTS the Memorandum and Recommendation, DENIES Plaintiff's Motion for Summary Judgment, and GRANTS Defendant's Motion for Summary Judgment. The Commissioner's decision is AFFIRMED.

The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Canby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting FED. R. CIV. P. 72 advisory committee's note). Here,

no party filed an objection to the Memorandum and Recommendation, and the time for doing so

has expired.

Accordingly, after a careful review of the record in this case, the Court finds that the

Magistrate Judge's findings of fact are supported by the record and his conclusions of law are

consistent with and supported by current case law. Thus, the Memorandum and

Recommendation is hereby ACCEPTED and ADOPTED, Plaintiff's Motion for Summary

Judgment is hereby DENIED, and Defendant's Motion for Summary Judgment is hereby

GRANTED. The Commissioner's decision is AFFIRMED. The Clerk of Court is directed to

close this civil case.

SO ORDERED.

Signed: October 21, 2014

Graham C. Mullen

United States District Judge